

Michael J. McCrystal, Esquire
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Attorney for the Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Michael J. McCrystal

Bk. No. 19-16964-PMM

Chapter 13

Debtor

Community Loan Servicing LLC
f/k/a Bayview Loan Servicing LLC
Movant

Vs.

Michael J. McCrystal
Respondent

And

Madonna A. McCrystal
Non-Filing Co-Debtor

And

Scott F. Waterman (Chapter 13 Trustee)

Additional Respondent

RESPONSE

Debtor/Respondent by and through his undersigned counsel files this response to the Motion for Relief from the Automatic Stay and avers:

1. Denied as stated. Movant is Community Loan Servicing LLC which in accord with the caption drafted and chosen by the movant appears to be a name change from Bayview Loan Servicing LLC. To the extent, that actual movant has changed identities this averment is denied.
2. Admitted.
3. Upon reasonable investigation, the respondent can neither admit nor deny the truth or falsity of this averment and the same is deemed to be denied pursuant to the Federal Rules of Bankruptcy Procedure.

4. Admitted.

5. Upon reasonable investigation, the respondent can neither admit nor deny the truth or falsity of this averment and the same is deemed to be denied pursuant to the Federal Rules of Bankruptcy Procedure. Further, this averment is a conclusion of law to which no responsive pleading is required under the Federal Rules of Bankruptcy Procedure.

6. Denied, this averment is strictly denied and it is averred to the contrary that debtor is current post-petition. Further, on or about January 5, 2021, debtor mailed to movant the sum of \$802.62. A true and correct copy of this payment is attached hereto as Exhibit A. Such sum renders the account current post-petition. (sic) the moving pleading skips the number 6.

7. Denied, this averment is strictly denied and it is averred to the contrary that debtor is current post-petition. Further, on or about January 5, 2021, debtor mailed to movant the sum of \$802.62. A true and correct copy of this payment is attached hereto as Exhibit A. Such sum renders the account current post-petition. (sic) the moving pleading skips the number 6.

8 Denied this averment is strictly denied. Cause does not exist because the value of the house exceeds \$190,000.00 and the amount due on the principal is \$85,000.00. Substantial equity to secure the lien makes this filing without cause. A true and correct copy of the realtor.com computer value is attached as Exhibit B.

9. Denied as a conclusion of law to which no responsive pleading is required under the Federal Rules of Bankruptcy Procedure.

WHEREFORE, Debtor prays this Honorable Court to Deny the Motion for Relief from Stay and for such other and further relief as is just and equitable.

Respectfully submitted,

/s/ Michael J. McCrystal

Michael J. McCrystal